

Release
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**SUMMARY OF CASES ACCEPTED
DURING THE WEEK OF AUGUST 10, 1998**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#98-103 Bockrath v. Aldrich Chemical Co., S071500. (B108555; 64 Cal.App.4th 1.) Petition for review after the Court of Appeal affirmed a judgment of dismissal of a civil action.

#98-104 Brock v. Air Products & Chemicals, Inc., S071652. (B113808; 64 Cal.App.4th 247.) Petition for review after the Court of Appeal reversed a judgment of dismissal of a civil action.

#98-105 Till v. Ablestik Laboratories, S071649. (B113809.) Unpublished opinion. Petition for review after the Court of Appeal reversed a judgment of dismissal of a civil action.

Bockrath, Brock, and Till all concern whether the plaintiff in a multi-defendant product liability action can adequately plead a cause of action by

alleging that toxic ingredients in the defendants' products caused the injury but cannot identify the product which caused the injury.

#98-106 People v. Cox, S070959. (B110130, 118572; 63 Cal.App.4th 974.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense and denied a petition for writ of habeas corpus. This case concerns whether a misdemeanor which requires at least a general criminal intent must also be dangerous under the circumstances of its commission to qualify as the unlawful act for purposes of involuntary manslaughter. (Pen. Code, § 192(b).)

#98-107 People v. Falsetta, S071521. (A077116; 64 Cal.App.4th 2191.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#98-108 People v. Ritson, S071200. (C026168; 63 Cal.App.4th 1276.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

Falsetta and Ritson both concern whether the admission of evidence of other sexual offenses for purposes of showing propensity violates due process. (See Evid. Code, § 1008.)

#98-109 Fretland v. County of Humboldt, S071063. (A078588; 63 Cal.App.4th 897.) Petition for review after the Court of Appeal affirmed a summary judgment in a civil action. This case presents an issue, concerning

whether the Fair Employment and Housing Act preempts the exclusivity of Labor Code remedies for claims of discrimination from a work-related disability, which is related to an issue before the court in City of Moorpark v. Superior Court, S057121. (See #96-163.)

#98-110 Fukuda v. City of Angels Camp, S071467. (C018274; 63 Cal.App.4th 1426.) Petition for review after the Court of Appeal affirmed the judgment in an action for administrative mandamus. This case presents issues concerning the burden of proof, and whether the “presumption of correctness” applies, in an administrative mandate proceeding involving a vested right in which the court is authorized to exercise its independent judgment on the evidence.

#98-111 People v. Rathert, S070946. (B111761.) Unpublished opinion. Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case concerns whether the crime of false personation requires a specific intent. (See Pen. Code, § 529(3).)

#98-112 People v. Rodarte, S070717. (B111467; 63 Cal.App.4th 342.) Petition for review after the Court of Appeal affirmed a commitment as a mentally disordered offender. This case presents an issue, concerning the definition of “force or violence” for purpose of determining whether a defendant convicted of a non-enumerated crime qualifies as a mentally disordered offender, which is related to an issue before the court in People v. Anzalone, S066764. (See #98-28.)

#98-113 Scott on Habeas Corpus, S059739. Original proceeding. This case, which is related to the automatic appeal in People v. Scott, 15 Cal.4th 1188, presents claims of ineffective assistance of counsel for failure to conduct adequate investigation.

DISPOSITIONS

#97-153 People v. Van Wynn, S063130, was transferred to the Court of Appeal for reconsideration in light of People v. Venegas, 18 Cal.4th 47.

#97-200 Kavanaugh v. Toyota Motor Sales, Inc., S065748, was transferred to the Court of Appeal for reconsideration in light of Murillo v. Fleetwood Enterprises, Inc., 17 Cal.4th 985.

The following cases were dismissed and remanded to the Court of Appeal:

#95-140 People v. Burks, S048916.

#97-185 Gale v. BMW of North America, S065256.

STATUS

96-178 NBC Subsidiary (KNBC-TV), Inc. v. Superior Court, S056924.

The court ordered the issues to be briefed and argued be expanded to include whether the order excluding the public from proceedings in a civil case violated Code of Civil Procedure section 124.

97-74 Sanders v. American Broadcasting Companies, Inc., S059692.

The court ordered briefing on issues including whether a person who lacks a reasonable expectation of complete privacy in a conversation because it could be

seen and overheard by coworkers (but not the general public) may nevertheless have a claim for invasion of privacy by intrusion based on a television reporter's covert videotaping of that conversation.

#97-198 Fireman's Fund Ins. Co. v. Superior Court, S065447, the opinion of the Court of Appeal, originally printed at 57 Cal.App.4th 1252, was ordered republished.

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